

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING HELD ON  
Tuesday, September 9, 2014**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, September 9, 2014 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Patrick G. Call, Chairman; Ann English, Vice-Chairman; Richard R. Searle, Member  
Staff Michael J. Ortega, County Administrator; Jim Vlahovich, Deputy County Administrator;  
Present: Britt W. Hanson, Chief Civil Deputy County Attorney; Arlethe G. Rios, Clerk of the Board

Chairman Call called the meeting to order at 10:00 a.m.

**ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION**

**PLEDGE OF ALLEGIANCE**

**THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING**

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***PRESENTATION***

Presentation of Proclamation to Mr. J.D. Rottweiler, Cochise College President declaring September 21, 2014 as the 50th Anniversary of Cochise College.

The Board presented the proclamation to Mr. J.D. Rottweiler, Cochise College President and stated that they were happy to support this celebration and grateful for the work the college does in the community.

Mr. Rottweiler thanked the Board for the proclamation and said he hopes to continue to enhance the community by providing education opportunities.

Presentation of Proclamation to Mr. Bruce Hamilton, Arizona Office for Employer Support of the Guard and Reserve declaring September 22-26, 2014 to be National Employer Support of the Guard and Reserve Week.

The Board presented the proclamation to Mr. Bruce Hamilton, Arizona Office for Employer Support of the Guard and Reserve and said they were proud to support service members who are serving our country.

Mr. Hamilton thanked the Board and added that the organization is made up of volunteers who want to ensure that service members have job opportunities when they return from deployments.

Presentation on statistics and trends for legal cases by the County Attorney's Office.

Mr. Britt Hanson, Chief Civil Deputy County Attorney, presented this item. He gave the background and stated that the information is gathered annually, but wanted to give a formal presentation to the Board regarding the issues the County Attorney's Office handles.

The Board thanked Mr. Hanson and his staff for the work they do for the County.

## **CONSENT**

### **Board of Supervisors**

1. Approve the Minutes of the regular meeting of the Board of Supervisors of August 26, 2014.
2. Approve a proclamation to proclaim September 21, 2014 as the 50th Anniversary of Cochise College in Cochise County.
3. Approve a Proclamation declaring September 22-26, 2014 to be National Employer Support of the Guard and Reserve week.

### **County Attorney**

4. Approve the proposed settlement agreement in Cochise County v. Saint Bernadette Burick and Bernadette Burick Attorney at Law, L.L.C., filed in the Justice Court of the State of Arizona, in and for Cochise County, Precinct 1, Case No. CV2013 0246.
5. Approve the Victims' Rights Program (VRP) Award Agreement, A.G. 2015-002, in the amount of \$32,200 between the Arizona Attorney General and the Cochise County Attorney's Office, for the period July 1, 2014 to June 30, 2015.

### **County Schools**

6. Adopt Resolution, 14-29 cancelling the Apache District #42 Governing Board Election for two 4-year-term and one 2-year-term board seats up for election and appointing the two candidates (William Kimble Jr. and Michael Wood) who filed to run in the election to fill the two 4-year open board positions, with all the powers and duties of that office as if elected to that office, effective the first day of January, 2015 and resolve that the one 2-year-term position hereby declared to be vacant effective the first day of January, 2015, to be filled as provided in Section 15-302A(3).
7. Adopt Resolution 14-30 cancelling the Benson District #09 Governing Board Election for the two 4-year-term board seats up for election and appointing the candidates (Frank "Chic" Maldonado and John "Jack" Comaduran) who filed to run in the election to fill the 4-year open board positions with all the powers and duties of that office as if elected to that office, effective the first day of January, 2015.
8. Adopt Resolution 14-31 cancelling the Cochise District #26 Governing Board Election for two 4-year-term board seats up for election and appointing the two candidates (Frank Flanders and Kristine Carper) who filed to run in the election to fill the 4-year open board positions, with all the powers and duties of that office as if elected to that office, effective the first day of January, 2015.

9. Adopt Resolution 14-32 cancelling the Cochise Technology District #01 Governing Board Election for the five 4-year-term positions and the five 2-year-term positions which are up for election and appointing the candidates (Clint Sanborn, Rosa Aguallo and Marlene Plumb) who filed to run in the election to fill 4-year open positions and appointing the candidates (Mark Goodman and Tara Finch) who filed to run in the election to fill 2-year open board positions with all the powers and duties of that office as if elected to that office, effective the first day of January, 2015. The remaining two 4-year and three 2-year open positions are hereby declared to be vacant effective the first day of January, 2015, to be filled as provided in Section 15-302A(3).
10. Adopt Resolution 14-33 cancelling the Double Adobe District #45 Governing Board Election for the one 4-year-term board seats up for election and appointing the candidate (Joan Cardona) who filed to run in the election to fill the open board positions, with all the powers and duties of that office as if elected to that office, effective the first day of January, 2015.
11. Adopt Resolution 14-34 cancelling the Elfrida District #12 Governing Board Election for the three 4-year-term board seats up for election and appointing the three candidates (James Fletcher, Jamie Mahaney, and Janice Owen) who filed to run in the election to fill the open board positions, with all the powers and duties of that office as if elected to that office, effective the first day of January, 2015.
12. Adopt Resolution 14-35 cancelling the McNeal District #55 Governing Board Election for two 4-year-term open board seats and one 2-year-term open board seat up for election and appointing the one candidate (Patsy Rineer) who filed to run in the election to fill a 4-year open board position, and candidate (Mike Vasquez) who filed to run in the election to fill a 2-year open board position with all the powers and duties of that office as if elected to that office, effective the first day of January, 2015. The remaining one 4-year open board position is hereby declared to be vacant effective the first day of January, 2015, to be filled as provided in Section 15-302A(3).
13. Adopt Resolution 14-36 cancelling the Naco District #23 Governing Board Election for two 4-year-term open board seats and one 2-year-term open board seat up for election and appointing the candidates (Susana Urcadez and Dawn Walker) who filed to run in the election to fill the 4-year open board positions, and candidate (Rosa Ramirez) who filed to run in the election to fill the 2-year open board position with all the powers and duties of that office as if elected to that office, effective the first day of January, 2015.
14. Adopt Resolution 14-37 cancelling the Palominas District #49 Governing Board Election for three 4-year-term board seats up for election and appointing the three candidates (Bo Hall, Diane "Dee" Puff, and Vicky Pickett) who filed to run in the election to fill a 4-year open board position, with all the powers and duties of that office as if elected to that office, effective the first day of January, 2015.
15. Adopt Resolution 14-38 cancelling the Pearce District #22-3 Governing Board Election for three 4-year-term board seats up for election and appointing the three candidates (Charles Brown, Ed Curry, and Al Wilcoxson) who filed to run in the election to fill the 4-year open board positions, with all the powers and duties of that office as if elected to that office, effective the first day of January, 2015.
16. Adopt Resolution 14-39 cancelling the Sierra Vista District #68 Governing Board Election for the two 4-year-term board seats up for election and appointing the two candidates (Marjorie "Marge" Carrithers and Debra Scott) who filed to run in the election to fill the 4-year open board positions, with all the powers and duties of that office as if elected to that office, effective the first day of January, 2015.

17. Adopt Resolution 14-40 cancelling the St. David #21 Governing Board Election for two 4-year-term board seats and one 2-year-term open board seat up for election and appointing the two candidates (Nelson Daley and Katie "Kathleen" Miller) who filed to run in the election to fill the two 4-year open board positions, and appoint (Darek Anderson) who filed to run in the election to fill the 2-year open board position with all the powers and duties of that office as if elected to that office, effective the first day of January, 2015.
18. Adopt Resolution 14-41 cancelling the Valley Union District #22-5 Governing Board Election for three 4-year-term and two 2-year-term board seats up for election and appointing the three candidates (Sharon Clifton, Mary Jones, and Freddy Zamora) who filed to run in the election to fill the four-year open board positions, and one candidate (Robert Porter) who filed to run in the election to fill one of the 2-year open positions, with all of the powers and duties of that office as if elected to that office, effective the first day of January, 2015. The remaining one 2-year open board position is hereby declared to be vacant effective the first day of January, 2015, to be filled as provided in Section 15-302A(3).
19. Adopt Resolution 14-42 cancelling the Willcox #13 Governing Board Election for the two 4-year-term board seats up for election and appointing the two candidates (Gary Clement and Doris Jones) who filed to run in the election to fill the 4-year open board positions, with all the powers and duties of that office as if elected to that office, effective the first day of January, 2015.
20. Adopt Resolution 14-71 cancelling the Ash Creek District #53 Board Election for three 4-year term board seats up for election and appoint the three candidates (Shauna "Cobb" Conger, John O. Lind, and Judith Leiker) who filed to run in the election to fill the three 4-year open board positions, with all the powers and duties of that office as if elected to that office, effective the first day of January, 2015.

## **Elections & Special Districts**

21. Adopt Resolution 14-44 canceling the PBW Fire District Board November 4, 2014 election for the one 4-year board seat up for election and declare it vacant, effective December 1, 2014 to be filled as provided by law pursuant to A.R.S. § 48-803.B.
22. Adopt Resolution 14-45 canceling the Pirtleville Fire District Board November 4, 2014 election for the three 4-year board seats up for election and resolving that the board positions are hereby declared vacant, effective December 1, 2014, to be filled as provided by law pursuant to A.R.S. § 48-803.B.
23. Adopt Resolution 14-46 canceling the Pomerene Fire District Board November 4, 2014 election for the two 4-year board seats up for election and resolving that the two board positions are hereby declared vacant, effective December 1, 2014, to be filled as provided by law pursuant to A.R.S. § 48-803.B.
24. Adopt Resolution 14-47 canceling the San Jose Fire District Board November 4, 2014 election and appointing the candidates (Laurie O. Lewis and Scott Spoonamore) who filed to run in the election to fill the two open board positions, with all the powers and duties of that office as if elected to the office, effective December 1, 2014.
25. Adopt Resolution 14-48 canceling the Babocomari Fire District Board November 4, 2014 election for the three 4-year board seats up for election resolving that that board positions are hereby declared vacant; and appointing Thomas W. Schelling as the administrator, effective December 1, 2014.

26. Adopt Resolution 14-49 canceling the Sunsites/Pearce Fire District Board November 4, 2014 election for the three 4-year boards seats up for election and appointing the three candidates who filed to run in the election to fill the three open board positions, with all the powers and duties of that office as if elected to that office, effective December 1, 2014.
27. Adopt Resolution 14-50 canceling the San Simon Fire District Board November 4, 2014 election for the two 4-year boards seats up for election and appointing the candidate (Mike Zamudio) who filed to run in the election to fill one open board position, with all the powers and duties of that office as if elected to that office and resolving that the other open board position is hereby declared vacant, effective the December 1, 2014, to be filled as provided by law pursuant to A.R.S. § 48-803.B.
28. Adopt Resolution 14-51 canceling the St. David Fire District Board November 4, 2014 election for the two 4-year board seats up for election and resolving that the the two board positions are hereby declared vacant, effective December 1, 2014, to be filled as provided by law pursuant to A.R.S. § 48-803.B.
29. Adopt Resolution 14-52 canceling the Cochise College District 1 November 4, 2014 election for the one 4-year seat up for election and appointing the candidate (David Di Peso) who filed to run in the election to fill the open board position, with all the powers and duties of that office as if elected to that office, effective December 1, 2014.
30. Adopt Resolution 14-53 canceling the Cochise College District 4 November 4, 2014 election for the one 4-year board seat up for election and appointing the candidate (John Eaton) who filed to run in the election to fill the one open board position, with all the powers and duties of that office as if elected to that office, effective December 1, 2014.
31. Adopt Resolution 14-54 canceling the Bowie Fire District Board November 4, 2014 election for the two 4-year board seats up for election and declare them vacant, effective December 1, 2014, to be filled as provided by law pursuant to A.R.S. § 48-803.B.
32. Adopt Resolution 14-55 canceling the Elfrida Fire District Board November 4, 2014 election for the three 4-year board seats up for election and appointing the candidates (Dale Hedges, Linda Lima-Forester, and Andrew (Andy) Warn) who filed to run in the election to fill three open board positions, with all the powers and duties of that office as if elected to the office, effective December 1, 2014.
33. Adopt Resolution 14-56 canceling the Naco Fire District Board November 4, 2014 election for the two 4-year board seats up for election and declare them vacant, effective December 1, 2014, to be filled as provided by law pursuant to A.R.S. § 48-803.B.
34. Adopt Resolution 14-57 canceling the Sunnyside Fire District Board November 4, 2014 election for the three 4-year boards seats up for election and resolving that that board positions are hereby declared vacant; and appointing Thomas W. Schelling as the administrator, effective December 1, 2014.
35. Adopt Resolution 14-58 canceling the Palominas Fire District Board November 4, 2014 election for the three 4-year board seats up for election and appointing the candidates (Jerry Hatfield, Robert Montgomery and Tommy Stoner) who filed to run in the election to fill the three open board positions, with all the powers and duties of the office as if elected to the office, effective December 1, 2014.

36. Adopt Resolution 14-59 canceling the Whetstone Fire District Board November 4, 2014 election for the two 4-year board seats up for election and resolving that the open board positions are hereby declared vacant, effective December 1, 2014, to be filled as provided by law pursuant to A.R.S. § 48-803.B.
37. Adopt Resolution 14-60 canceling the Naco Sanitary Improvement District Board November 4, 2014 election for the three 4-year board seats up for election and appointing the candidate (Jule Devoe) who filed to run in the election to fill one of the seats up for election, with all the powers and duties of that office as if elected to that office and resolving that the other open board positions are hereby declared vacant, effective December 1, 2014, to be filled as provided by law pursuant to A.R.S. § 48-803.B.
38. Adopt Resolution 14-61 canceling the Northern Cochise Hospital District Board November 4, 2014 election for the three 4-year board seats up for election and appointing the candidate (Carol Dunagan) who filed to run in the election to fill one of the open board positions, with all the powers and duties of that office as if elected to that office, effective January 1, 2015; and, resolving that the other open board positions are hereby declared vacant, effective January 1, 2015, to be filled as provided by law pursuant to A.R.S. § 48-803.B.
39. Adopt Resolution 14-62 canceling the San Pedro Valley Hospital District Board November 4, 2014 election for the two 4-year board seats up for election and appointing the candidates (Carmen Krebs and Dawn Reece) who filed to run in the election to fill two open board positions, with all the powers and duties of the office as if elected to the office, effective December 1, 2014.
40. Adopt Resolution 14-63 canceling the Bowie Water District Board November 4, 2014 election for the two 4-year board seats up for election and resolving that the board positions are hereby declared vacant, effective January 1, 2015, to be filled as provided by law pursuant to A.R.S. § 48-803.B.
41. Adopt Resolution 14-64 canceling the Keller Water District Board November 4, 2014 election for the two 4-year board seats up for election and resolving that the board positions are hereby declared vacant, effective January 1, 2015, to be filled as provided by law pursuant to A.R.S. § 48-803.B.
42. Adopt Resolution 14-65 canceling the Pomerene Water District Board November 4, 2014 election for the two 4-year board seats up for election and resolving that the board positions are hereby declared vacant, effective January 1, 2015, to be filled as provided by law pursuant to A.R.S. § 48-803.B.
43. Adopt Resolution 14-66 canceling the St. David Water District Board November 4, 2014 election for the three 4-year board seats up for election and resolving that the board positions are hereby declared vacant, effective January 1, 2015, to be filled as provided by law pursuant to A.R.S. § 48-803.B.
44. Adopt Resolution 14-67 canceling the San Simon Water District Board November 4, 2014 election for the two 4-year board seats up for election and resolving that the board positions are hereby declared vacant, effective January 1, 2015, to be filled as provided by law pursuant to A.R.S. § 48-803.B.

45. Adopt Resolution 14-68 canceling the Whetstone Water District Board November 4, 2014 election for the three 4-year board seats up for election and resolving that the board positions are hereby declared vacant, effective January 1, 2015, to be filled as provided by law pursuant to A.R.S. § 48-803.B.
46. Adopt Resolution 14-69 canceling the Fairfield Estates Road Improvement Maintenance District Board November 4, 2014 election for the three 4-year board seats up for election and resolving that the board positions are hereby declared vacant, effective January 1, 2015, to be filled as provided by law pursuant to A.R.S. § 48-803.B.
47. Adopt Resolution 14-70 canceling the High Knoll Ranches Road Improvement Maintenance District Board November 4, 2014 election for the 4-year board seat up for election and resolving that the board position is hereby declared vacant effective January 1, 2015, to be filled as provided by law pursuant to A.R.S. § 48-803.B.

## **Facilities**

48. Approve the Airport Improvement Plan Grant Offer 3-04-0013-009-2014 from the Federal Aviation Administration (FAA) in the amount of \$86,206 with a local match share of \$4,232 for the acquisition of a pavement sweeper for the Bisbee-Douglas International Airport effective December 16, 2013 through December 16, 2014.

## **Finance**

49. Approve demands and budget amendments for operating transfers.

## **Juvenile Probation**

50. Approve the Food Program Permanent Service Agreement - Contract ED09-0001 between Cochise County Juvenile Detention and the Arizona Department of Education (ADE).

## **Procurement**

51. Approve the lease (15-13-FAC-03) for use of two offices in the health department by Southern Arizona AIDS Foundation for the period of September 1, 2014 through March 31, 2015 with four one-year renewal options.

Vice-Chairman English moved to approve Items 1 - 51 on the Consent Agenda. Supervisor Searle seconded the motion and it carried unanimously.

## **PUBLIC HEARINGS**

## **Board of Supervisors**

52. Approve a new liquor license application for a series #18 (In-state Craft Distillery) liquor license submitted by Mr. John McLoughlin for Odyssey Cellars, Inc., located at 8401 Bell Ranch Road, Willcox, AZ 85643.

Ms. Arlethe Rios, Clerk of the Board, presented this item. Ms. Rios said the Sheriff's Office did not have a recommendation and the Planning and Zoning Department had recommended approval. The Environmental Health Division noted that the establishment met all the requirements set forth by the Arizona Food Code; the Treasurer's Office noted that all property taxes are current. The applicant has paid the \$100 processing fee and the

Board staff recommended approval.

Chairman Call opened the public hearing.

No one chose to speak and Chairman Call closed the public hearing.

Supervisor Searle moved to approve a new liquor license application for a series #18 (In-state Craft Distillery) liquor license submitted by Mr. John McLoughlin for Odyssey Cellars, Inc., located at 8401 Bell Ranch Road, Willcox, AZ 85643. Vice-Chairman English seconded the motion.

Chairman Call called for the vote and it was approved 3-0.

## **Community Development**

53. Adopt Zoning Ordinance 14-09 to approve docket R-14-04 for the proposed amendments regarding new technologies to the Cochise County Light Pollution Code and Zoning Regulations, including incorporating the Light Pollution Code as Article 16 of the Zoning Regulations.

Mr. Peter Gardner, Planner 1, Community Development, presented this item using a PowerPoint presentation. Mr. Gardner gave the background and said that the current code did not cover new technology, so it is necessary to add regulations that address them. He added that digital technology was the current focus, but the proposed changes would address current and future technology. He stated that citizens were contacted for input regarding the proposed changes, but Community Development did not receive many responses; mainly recommendations were to keep light pollution at a minimum for citizens and wildlife.

Vice-Chairman English noted that the topic had been discussed and researched and she was confident that these changes would provide a balance for light pollution.

Chairman Call asked if any businesses had been consulted and how these proposed changes compare to other counties statewide.

Mr. Gardner said several local businesses participated and that the County was cutting edge in regards to the light pollution code proposed changes.

Chairman Call opened the public hearing.

Mr. Gary Grue, Huachuca Astronomy Club, noted that he was in favor of the changes and thanked Planning and Zoning staff for their work.

Mr. David Raemer, Huachuca Astronomy Club, commended Planning and Zoning staff for their work and supported the changes.

Mr. Theodore Forte, Sierra Vista citizen, wanted his support for the changes to be on the record.

Mr. George Grant Williams, MMT Observatory, wanted to encourage the County to adopt the changes and thanked Planning and Zoning staff for the research they did.

No one else chose to speak and Chairman Call closed the public hearing.

Chairman Call asked if the process for enforcement was different from current processes.



Mr. Britt Hanson, Chief Deputy County Attorney, said the process would be the same and added that if an exemption was needed it would be brought before the Board.

Vice-Chairman English moved to adopt Zoning Ordinance 14-09 to approve docket R-14-04 for the proposed amendments regarding new technologies to the Cochise County Light Pollution Code and Zoning Regulations, including incorporating the Light Pollution Code as Article 16 of the Zoning Regulations. Supervisor Searle seconded the motion.

Chairman Call called for the vote and it was approved 3-0.

54. Adopt Resolution 14-43 approving Docket TUP-14-01, a request for a Temporary Use Permit for a religious retreat requiring Board approval for Diamond Mountain, Inc, Parcel 304-22-001A, located at 3209 South Old Fort Bowie Road near Bowie, AZ.

Ms. Beverly Wilson, Planning Director, presented this item. Ms. Wilson gave the background and said that the request was due to the time frame needed for this permit; currently the Planning Department can allow seven days and the applicant is requesting 10 days.

Chairman Call opened the public hearing.

No one chose to speak and Chairman Call closed the public hearing.

Supervisor Searle moved to adopt Resolution 14-43 approving Docket TUP-14-01, a request for a Temporary Use Permit for a religious retreat requiring Board approval for Diamond Mountain, Inc, Parcel 304-22-001A, located at 3209 South Old Fort Bowie Road near Bowie, AZ. Vice-Chairman English seconded the motion.

Chairman Call called for the vote and it was approved 3-0.

## **ACTION**

### **County Treasurer**

55. Approve the recommendation of the County Treasurer for the abatement of property taxes and interest on personal property and the removal of personal property tax liens on Treasurer's Certificate of Clearance No's. 2014-0461 thru 2014-0490 pursuant to A.R.S. 42-19118.

Ms. Cathy Traywick, County Treasurer, presented this item. Ms. Traywick stated that this abatement was similar to the previously approved items presented to the Board and that her staff continued to clean up tax rolls. She added that the total for these abatements was an estimated \$6,000 and that there should be two more rounds of abatements within the next couple of months.

Vice-Chairman English moved to approve the recommendation of the County Treasurer for the abatement of property taxes and interest on personal property and the removal of personal property tax liens on Treasurer's Certificate of Clearance No's. 2014-0461 thru 2014-0490 pursuant to A.R.S. 42-19118. Supervisor Searle seconded the motion.

The Board thanked Ms. Traywick and her staff for their work on cleaning up the tax rolls.

Chairman Call called for vote and it was approved 3-0.

## **CALL TO THE PUBLIC**

Chairman Call opened the call to the public.

Mr. Jack Cook addressed the Board on matters of personal concern.

No one else chose to speak and Chairman Call closed the call to the public.

*This is the time for the public to comment. Members of the Board may not discuss items that are not specifically identified on the agenda.*

## **REPORT BY MICHAEL J. ORTEGA, COUNTY ADMINISTRATOR -- RECENT AND PENDING COUNTY MATTERS**

Mr. Ortega stated he would be attending the Arizona Counties Insurance Pool (ACIP) meeting and the County Managers Association (CMA) meeting on Friday and the discussion for the ACIP meeting would be focused on the increase of claims statewide.

## **SUMMARY OF CURRENT EVENTS**

### **Report by District 1 Supervisor, Patrick Call**

Chairman Call said that he would be presenting to the Tiger Team, which analyzes, researches, and comes up with recommendations on areas that have military installations for the Governor's Office.

### **Report by District 2 Supervisor, Ann English**

Vice-Chairman English deferred her report.

### **Report by District 3 Supervisor, Richard Searle**

Supervisor Searle stated that it was crucial for citizens to contact Representative Ron Barber regarding H.R. 5078, which prohibits the Environmental Protection Agency and the Army Corps of Engineers from developing, finalizing, adopting, implementing, applying, administering, or enforcing the proposed Waters of the U.S. (WOTUS) rule.

8.

Chairman Call adjourned the meeting at 11:13 a.m.

APPROVED:

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Patrick G. Call, Chairman

ATTEST:

Arlethe G. Rios, Clerk of the Board

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